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By Fax

Hon. Paul G. Gardephe
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED
September 16, 2013

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: Sept. 18, 2013

Re: Lockheed Martin Corporation v. MTA Capital Construction Co. and Metropolitan Transp. Auth., 09-CV-4077 (PGG) (GWG)

Dear Judge Gardephe:

We represent the defendants Metropolitan Transportation Authority and MTA Capital Construction Company (collectively "MTA") in the above-referenced action. We write to request a short extension of the date for our reply to Lockheed's opposition to MTA's motion for partial summary judgment, from September 25 to October 9, 2013. Counsel for the Sureties has consented to our request. Counsel for Lockheed Martin, however, has advised us that Lockheed will not agree to the additional time MTA requests.

We request this extension because Lockheed's opposition to MTA's Statement Pursuant to Local Rule 56.1 included a 186-page section consisting of 473 "additional material facts" to which MTA must respond in accordance with Your Honor's Individual Practice Rule 5(B). The current schedule for the reply brief would allow us only two and a half weeks to reply to each of these paragraphs in addition to writing a reply memorandum. Further, during this two and a half week period, our staffing is limited because of the Jewish holidays. Given the fact that it took us approximately 8 weeks to respond to Lockheed's initial statement of facts (consisting of 323 paragraphs), we think the proposed time frame for reply is reasonable.

Since approval of the initial briefing schedule on May 13, 2013, the Court approved one request to extend the time for serving initial motion papers by one week, from July 8 to July 15, 2013. That approval did not impact the remaining briefing schedule. A second request regarding the briefing schedule was approved by the Court on August 18, 2013, which extended the time to serve opposition papers from August 23 to September 9, 2013. This second approval also moved the date for the service of reply papers and the "bundling date" for the electronic filing of all papers from September 9 to September 25, 2013. The instant request is the first request pertaining to the time to serve reply papers, and would be the second extension of the

Honorable Paul G. Gardephe
September 16, 2013
Page 2

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ultimate filing date for all papers. All tolled, the final submission of the complete motion papers would be just 30 days beyond the initial date set last May.

We thank the Court for its consideration of our application.

Respectfully submitted,



Ira J. Lipton

cc: Michael Chartan, Esq. (by email)
Adam Friedman, Esq. (by email)